IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.637 OF 2006

Mrs.B.Mythili .. Petitioner.
Vs.
Dilawar Hussain of
Mumbai & Anr. .. Respondents.

Mr.K.H.Giri for the petitioner.
Mr.M.H.Mhatre A.P.P. for the State.
Mrs.S.V.Shirodkar for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 27TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. By this writ petition, the petitioner has challenged the correctness, legality and propriety of the order dated 20.8.1999 issuing process and the order dated 16.2.2006 rejecting application of the petitioner for recalling the process in the said case. The process was issued on 20.8.1999. The summons was served immediately thereafter. Since then till filing of the instant writ petition, it is clear that, the petitioner was prosecuting the remedies which were not available in law. Firstly, he filed an application seeking discharge on 1st November, 2001. When that application was rejected he challenged that order in revision before the Sessions Court. The filing of the

application of discharge and challenging the order passed in revision were wrong remedies prosecuted by the petitioner for the reasons best known to him. In the meanwhile, the complainant's examination in chief has been recorded and the petitioner has also started cross examining him. Keeping that in view and considering the laches I am not inclined to interfere in this petition. The petition is dismised. The trial Court shall endeavour to decide the case as expeditiously as possible and preferrably within a period of six months from the date of receipt of this order.

(D.B.Bhosale, J.)